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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MANNING, JOHN

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/619,333

Applicant(s)

SHIDELEFF ET AL.

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-20 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/27/1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: method 300, method 400 and method 500. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: the "input/output (I/O) devices" is mislabeled 220, where it should be labeled 216.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 5, 9, 10, 12, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bray (US Pat No. 6,166,780).

Claim 1 is rejected wherein the Bray reference discloses a device for analyzing and filtering a closed caption signal. The disclosed device incorporates a receiving

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section that comprises "a video input 10 feeding signals to a closed caption data slicer 16", where the video input 10 acts as a receiver (Col 3, Lines 22-24). The caption data slicer 16 inherently performs the detection process (Col 3, Lines 22-27). The caption data slicer 16 "adjusts" or extracts and separates the embedded portion from the video feed (Col 3, Lines 34-37).

Claim 5 is rejected wherein it is inherently disclosed that the embedded portion of the video signal comprises "line 21" information. The device processes closed caption information, therefore the embedded portion includes "line 21" information.

Claim 9 is rejected wherein it is disclosed that the embedded portion of the video signal comprises closed caption information (Col 3, Lines 34-35).

Claim 10 is rejected wherein it is disclosed that the closed caption "information is analyzed by microprocessor 20." If any word or phrase is determined to be inappropriate the microprocessor 20 strips the offensive word or phrase from the closed caption data (Col 3, Lines 37-39, 41-48).

Claim 12 is rejected wherein it is disclosed that the microprocessor 20 in conjunction with an "on-screen display device 22", decodes the detected closed captioning information to generate the graphics information. The video signal "feeds to a microprocessor 20 with out put to an on-screen display (OSD) 22 and there is an OSD+VIDEO 24 which also receives the video from the video input 10 directly" (Col 3, Lines 25-27)

Claim 20 is rejected wherein the disclosed device includes the microprocessor 20 and a computer readable medium storing a software program (Col 3, Lines 37-41). The

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microprocessor 20 and program perform the operations of receiving the television signal with embedded portion, detecting the embedded portion, and adjusting the embedded portion. Receiving the television signal with embedded portion is performed by the microprocessor 20 in conjunction with the input 10. Detecting and adjusting the embedded portion is performed by the microprocessor 20 in conjunction with the caption data slicer 16 (Figure 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-4, 8, 11, 13, 16, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bray.

In regard to claim 2, Bray addresses the concept of "combining" the "adjusted" embedded signal with the video signal; however, the reference does not disclose the passage of the video signal with the embedded portion to a downstream receiver per se. However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Bray system so as to provide the video signal with the embedded portion to a downstream receiver such as a set top box in order to enhance the functionality of the device and to provide users with a

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mechanism for censoring inappropriate material while using existing television receivers.

Claims 3 and 4 are met by that discussed above for claim 2.

In regard to claim 8, Bray discloses the use of a RF modulator 28; however, the reference does not disclose NTSC modulation per se. However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Bray system so as to modulate the signal into a NTSC format in order to ensure compatibility with the television.

Claim 11 is met by that discussed above for claim 2-4 for the case of a closed-captioning decoder-equipped television receiver.

In regard to claim 13, Bray discloses the utilization of embedded signals. The reference fails to explicitly disclose that the embedded portion comprises V-chip rating information as claimed. However, the examiner gives OFFICIAL NOTICE that it is notoriously well known in the art that V-chip rating information is incorporated in with embedded signals for blocking objectionable viewing material. Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Bray with such embedded signals for blocking objectionable viewing material.

In regard to claims 16 and 17, Bray discloses the utilization of embedded signals, and further that the muting device described in the reference can be based in conjunction with signals from video cassette recorders (Col 1, Lines 4-6). Given that it is well known to remove embedded time-stamp in VCR devices to facilitate reproduction of stored signals. The examiner submits that it would have been clearly obvious to one

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of ordinary skill in the art to implement the muting device in a VCR in order to enhance its functionality.

As to claim 19, as for the limitation "a system for preventing a conflict in displayed video among a plurality of receivers", the recitation has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Claim 19 is rejected wherein the Bray reference disclosed a device that incorporates a receiving section that comprises "a video input 10 feeding signals to a closed caption data slicer 16", where the video input 10 acts as a receiver (Col 3, Lines 22-24). The caption data slicer 16 "adjusts" or extracts and separates the embedded portion from the video feed (Col 3, Lines 34-37). Furthermore, Bray addresses the concept of "combining" the "adjusted" embedded signal with the video signal; however, the reference does not disclose the passage of the video signal with the embedded portion to a downstream receiver per se. However, it is submitted that it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the Bray system so as to provide the video signal with the embedded portion to a downstream receiver in order for the signals to be displayed.

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3. Claims 6, 7, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bray in view of Bestler et al.

In regard to claim 6, the Bray reference addresses the concept of receiving input television signals. The reference fails to explicitly disclose the demodulation of a digital television signal. The Bestler et al. reference teaches the use of a digital demodulator 34 for use in a STB in order for a digital television signal to display on a television (Col 2, Lines 19-20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Bray reference to utilize a digital demodulator for use in the STB in order for the digital television signal be to display on the television.

In regard to claim 7, the Bray reference addresses the concept of receiving input television signals. The reference fails to explicitly disclose the decoding of an analog television signal. The Bestler et al. reference teaches the use of an analog decoder 46 for use in a STB in order for an analog television signal to display on a television (Col 2, Lines 48-51). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Bray reference to utilize an analog decoder for use in the STB in order for the analog television signal to be display on the television.

In regard to claim 18, the Bray reference discloses the use of a processor for detecting and adjusting the embedded signal. The microprocessor 20 and program perform the operations of receiving the television signal with embedded portion, detecting the embedded portion, and adjusting the embedded portion. Receiving the television signal with embedded portion is performed by the microprocessor 20 in

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conjunction with the input 10. Detecting and adjusting the embedded portion is performed by the microprocessor 20 in conjunction with the caption data slicer 16 (Figure 1). The reference fails to explicitly disclose a demodulator. The Bestler et al. reference teaches the use of a demodulator for use in a STB in order for a television signal to display on a television (Col 2, Lines 19-20). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Bray reference to utilize a demodulator in conjunction with a processor for use in the STB in order for the television signal to be display on the television.

Allowable Subject Matter

Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Ando (US Pat No 5,109,279) reference discloses an apparatus for receiving, processing, deleting, and displaying teletext information on a television.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 703-305-0345. The examiner can normally be reached on M-F: 7:30 - 5:00 (off every other Wednesday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is 703-306-0377.

JM
August 25, 2003


JOHN MILLER
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